

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

RICHARD LEON MCKENZIE,

07-CV-1752-AC

Plaintiff,

ORDER

v.

MAUREEN ROSSI-HILL, MS. T.  
CUTLER, THERESA HICKS, RONALD  
D. MEYERS, JEAN HILL, LT. L  
ALBERT, OFF. MANO, OFF. JOHN  
DOE, each sued in their  
individual as well as their  
official capacities,

Defendants.

BROWN, Judge.

Magistrate Judge John V. Acosta issued Findings and Recommendation (#78) on March 29, 2010, in which he recommended the Court grant the Motion for Summary Judgment (#74) of Defendants Lieutenant L. Albert and Officer Mano and dismiss this matter. Plaintiff filed timely Objections to the Findings and Recommendation. The matter is now before this Court pursuant to

28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9<sup>th</sup> Cir. 2003)(*en banc*); *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9<sup>th</sup> Cir. 1988).

In his Objections, Plaintiff reiterates the arguments contained in his Response to Defendants' Motion for Summary Judgment and fails to point to any evidence in the record to support his assertions. This Court has carefully considered Plaintiff's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

#### **CONCLUSION**

The Court **ADOPTS** Magistrate Judge Acosta's Findings and Recommendation (#78), **GRANTS** Defendants' Motion for Summary

Judgment (#74), and **DISMISSES** this matter **with prejudice**.

IT IS SO ORDERED.

DATED this 23<sup>rd</sup> day of June, 2010.

/s/ Anna J. Brown

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ANNA J. BROWN  
United States District Judge